

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Launeil Sanders and Janneth E.) C/A No.: 7:07-cv-3510-GRA-WMC
Sanders,)
)
Plaintiffs,)
) ORDER
v.) (Written Opinion)
)
State of South Carolina, et al.,)
)
Defendants.)
)

This matter comes before the Court for a review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(e), filed on February 11, 2008. The plaintiffs originally brought this suit pursuant 42 U.S.C. § 1983, complaining that the South Carolina Courts have denied the plaintiffs relief in regards to a mechanic's lien placed on their home because the state court system is racist. Along with their complaint, on October 24, 2007, the plaintiffs filed a motion for an emergency hearing for a temporary restraining order or a preliminary injunction. The magistrate recommends denying the plaintiff's motion for injunctive relief because the plaintiffs failed to make the required showing for such relief. For the reasons stated herein, this Court adopts the magistrate's recommendation.

Plaintiffs bring this claim *pro se*. This Court is required to construe *pro se* pleadings liberally. Such pleadings are held to a less stringent standard than those drafted by attorneys. See *Gordon v. Leake*, 574 F.2d 1147, 1151 (4th Cir. 1978).

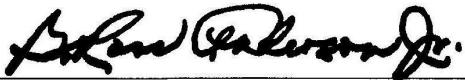
This Court is charged with liberally construing a pleading filed by a *pro se* litigant to allow for the development of a potentially meritorious claim. *See Boag v. MacDougall*, 454 U.S. 364, 365 (1982).

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). The plaintiffs did not file any objections.

After a thorough review of the record, the pleadings, and the magistrate's Report and Recommendation, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the plaintiffs' motion for an emergency hearing for injunctive relief (Docket No. 3) be DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

March 25, 2008
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

Pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure, Plaintiffs have the right to appeal this Order within thirty (30) days from the date of its entry. Failure to meet this deadline, as modified by Rule 4 of the Federal Rules of Appellate Procedure, **will waive the right to appeal.**